

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
 )  
 Rui YAMADA, et al. ) Application No.: 10/521,623  
 )  
 Patent No. 7,602,969 ) Confirmation No.: 2018  
 )  
 Issued: October 13, 2009 )  
 )  
 For: IMAGE DATA PROCESSING METHOD, IMAGE )  
 DATA PROCESSING DEVICE, AND COMPUTER )  
 PROGRAM )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**APPLICATION FOR PATENT TERM ADJUSTMENT - POST-GRANT**

Sir:

The U.S. Patent and Trademark Office (PTO) issued the subject U.S. Patent No, 7,602,969 (the '969 patent) with a patent term adjustment of 819 days. Applicants paid the Issue Fee payment on September 1, 2009, and agreed with the PTO's determination of patent term adjustment of 819 days, provided the patent issued in a timely manner. The patent issued on **October 13, 2009**. The three year pendency date for determination of patent term adjustment is January 14, 2008.

In view of the decision of the Federal District Court for the District of Columbia in *Wyeth v. Dudas* on September 30, 2008, patentee submits it is entitled to a total patent term adjustment of 1,196 days which is the sum of a 932 day delay to the first office action, plus a 377 day three year pendency delay, minus 113 days due to applicant delay.

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If there are any fees due in connection with the filing of this request, please charge such fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: November 19, 2009

By: /David W. Hill/  
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